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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Argentina, Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments, and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child,[2] the African Charter on Human and Peoples' Rights[3] and to the Geneva Conventions of 12 August 1949,[4]

Recalling its previous resolutions on the human rights situation in the Sudan and taking note of Commission on Human Rights resolution 1999/15 of 23 April 1999,[5]

Aware of the urgent need for implementing effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflicts,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[4] Ibid., vol. 75, Nos. 970-973.

[5] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations, and the declaration by the Government of the Sudan of a comprehensive ceasefire on 5 April 1999 as well as the decision made by the Sudanese People's Liberation Army to extend the ceasefire in the Bahr-el-Ghazal region in southern Sudan for a further three months, while at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment to encourage respect for human rights in the Sudan,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudanese People's Liberation Army,

1. *Welcomes:*

(a) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;

(b) The visit by the Special Rapporteur to Sudan in February 1999 at the invitation of the Government of the Sudan and the excellent cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur and the invitation extended to the Special Rapporteur;

(c) The visit of the Special Representative of the Secretary-General for Children and Armed Conflict to the Sudan in March 1999 and the cooperation extended by the Government of the Sudan in this regard;

(d) The cooperation by the Government of the Sudan extended to the needs assessment mission of the United Nations Office of the High Commissioner for Human Rights from 14 to 26 September 1999;

(e) The fact-finding mission by the Special Rapporteur on freedom of opinion and expression in September 1999 pursuant to the invitation by the Government of the Sudan;

(f) The cooperation by the Government of the Sudan and the Sudanese People's Liberation Movement/Army that was extended to the humanitarian needs assessment mission by the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the World Food Programme to the Nuba Mountains from 21 to 24 June 1999;

(g) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of people of the Sudan;

(h) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, which entered into force on 1 July 1998;

(i) The establishment of the Constitutional Court, which has been in operation since April 1999;

(j) The creation of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of Sudan and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(k) Efforts to implement the right to education;

(l) The commitments made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict, in particular the commitment not to use or recruit children under the age of 18 as soldiers;

(m) Efforts to address the problem of internally displaced persons;

2. *Expresses its deep concern*

(a) At the impact of the current armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, at continuing serious violations of human rights, and international humanitarian law by all parties, in particular:

(i) At the occurrence of cases of extrajudicial, summary or arbitrary executions resulting from conflict between members of the armed forces and their allies, and armed insurgent groups including the Sudanese People's Liberation Army;

(ii) At the occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearances, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) At the abduction of women and children to be subjected to forced labour or similar conditions;

(iv) At the use of weapons, including landmines, against the civilian population;

(b) At violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) At the widespread use of torture and arbitrary detention affecting, *inter alia,* human rights defenders, journalists and political opponents as well as at the lack of due process of law and acts of intimidation and harassment against the population, in particular by the security organs;

(ii) At cases of severe restrictions on the freedom of religion and peaceful assembly;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, and in particular the Sudanese People's Liberation Army, to abstain from using civilian premises for military purposes;

(c) To grant safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr-el-Ghazal, in the Nuba Mountains and in the Western Upper Nile, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance;

(d) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;

(e) Not to use or recruit children under the age of 18 and urges the Sudanese People's Liberation Army to undertake a commitment similar to that made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict in this regard and to refrain from the practice of forced conscription;

(f) To fulfil their commitments concerning the protection of war-affected children, such as to cease the use of anti-personnel landmines and the abduction and exploitation of children, to address the prevention of children's recruitment as soldiers, to advance demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors;

(g) To allow for an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with team from the International Committee of the Red Cross and subsequently killed while under the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. *Calls* upon the Government of the Sudan

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To continue its efforts to ensure the rule of law by bringing legislation into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trial under internationally recognized standards, and to investigate all reported acts of torture brought to its attention;

(e) To ensure full respect for freedom of expression, opinion, thought, conscience and religion as well as freedom of association and assembly;

(f) To continue to investigate reports of the abduction of women and children taking place in the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to facilitate the safe return of affected children to their families as a matter of priority, and to take further measures in particular through the Committee for the Eradication of Abduction of Women and Children;

(g) To stop immediately the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(h) For further efforts to address the problem of internally displaced persons;

(i) To continue implementing its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(j) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers;

(k) To implement the United Nations Standard Minimum Rules for the Treatment of Prisoners and to give special consideration to imprisoned women and juveniles deprived of their liberties;

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner in the country;

6. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue to take into consideration requests for assistance by the Government of the Sudan, including with a view to establishing a permanent representation of the High Commissioner in the country as a matter of priority;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

8. *Decides* to continue examination of the situation of human rights in the Sudan at its fifty-fifth session under the item entitled "Human rights questions", taking into account new developments and additional elements provided by the Commission on Human Rights.